

Applic. No. 10/765,586
Amdt. dated November 30, 2006
Reply to Office action of August 30, 2006

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claims 1, 6, and 8 have been amended.

In item 1 on page 2 of the above-identified Office action, the Examiner stated that the IDS filed on 1/26/2004 fails to comply with 37 CFR 1.98(a)(3).

The Examiner alleges that Swiss Patent No. 369475 has not been considered, because the reference is not in the English language and no explanation of its relevance was included. Attached hereto is a supplemental IDS with an English language statement of relevance. Therefore, the Examiner is kindly requested to consider the reference.

In item 2 on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a).

The Examiner alleges that the machine drive of the processing machine set forth in claim 1 must be shown or the feature cancelled from the claim. Applicants respectfully disagree

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with the Examiner. The machine drive of the processing machine is shown by the drive shaft "26" of the machine drive. Accordingly, the machine drive of the processing machine is shown in the drawings. Therefore, the drawings have not been changed to overcome the objection to the drawings by the Examiner.

In 3 on page 3 of the above-identified Office action, the specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter.

The Examiner alleges that the specification fails to provide proper antecedent basis for the recited sheet processing machine in claim 1. Applicants respectfully disagree with the Examiner. More specifically, the Examiner is directed to page 7, lines 7-8 of the specification and Fig. 1, which disclose a printing machine 1 for processing sheets 7. Accordingly, the sheet processing machine is disclosed in the specification. Therefore, the specification has not been amended to overcome the objection by the Examiner.

The Examiner alleges that the specification fails to provide proper antecedent basis for the recited drive assemblies in claim 1. Applicants respectfully disagree with the Examiner. More specifically, the Examiner is directed to page 8, lines

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3-8 of the specification and Fig. 2, which disclose the drive assemblies. Accordingly, the drive assemblies are disclosed in the specification. Therefore, the specification has not been amended to overcome the objection by the Examiner.

The Examiner alleges that the specification fails to provide proper antecedent basis for the recited drive train in claim 1. Applicants respectfully disagree with the Examiner. More specifically, the Examiner is directed to page 8, lines 1-10 of the specification and Fig. 2, which disclose the drive assemblies. Accordingly, the drive train is disclosed in the specification. Therefore, the specification has not been amended to overcome the objection by the Examiner.

The Examiner alleges that the specification fails to provide proper antecedent basis for the recited clutch selectively switchable with a determined angular position into said drive train between said drive assembly of the sheet feeder and the machine drive of the sheet processing machine in claim 1. Applicants respectfully disagree with the Examiner. More specifically, the Examiner is directed to page 8, lines 1-10 of the specification and Fig. 2, which disclose the switchable clutch 27. However, the specification has been amended to indicate that the "determined angular position" is the position of the clutch at which the clutch may be engaged.

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The Examiner alleges that several other features do not have antecedent basis in the specification. However, as shown above, the features are disclosed in the specification. Therefore, the specification has not been amended to overcome the objections by the Examiner. Should the Examiner disagree, he is requested to discuss this matter with the Examiner's Supervisor.

In item 4 on page 4 of the above-identified Office action, claims 1-10 have been rejected as failing to meet the enablement requirement under 35 U.S.C. § 112.

The Examiner alleges that in claim 1, the recited clutch selectively switchable with a determined angular position into said drive train between said drive assembly of the sheet feeder and the machine drive of the sheet processing machine, was not described in the specification in such a way as to enable one skilled in the art too which it pertains, to make and/or use the claimed invention. Claim 1 has been amended to further clarify that the clutch is switchable at a determined angular position of the clutch itself. Therefore, the rejection is believed to have been overcome.

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In item 5 on page 5 of the above-identified Office action, claims 1-10 have been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner alleges that regarding claims 1 and 10, it is unclear if applicant is trying to claim the sheet feeder by itself or the combination of the sheet feeder and the sheet processing machine. Applicants respectfully disagree with the Examiner. More specifically, claim 1 recites "the sheet feeder comprising". Therefore, it is seen that the claim calls for a sheet feeder in combination with a sheet processing machine. Furthermore, the features of claim 10 simply serve to further define how the feeder is configured to work with the sheet processing machine. Accordingly, claims 1-10 are believed to meet the requirements of 35 U.S.C. §112, second paragraph. Therefore, the claims have not been amended to overcome the rejection.

The Examiner alleges that it is unclear what is meant the recitation "a clutch selectively switchable with a determined angular position into said drive train between said drive assembly of the sheet feeder and the machine drive of the sheet processing machine". As noted above, claim 1 has been amended so as to further clarify the claim. Therefore, the rejection is believed to have been overcome.

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The Examiner alleges that in claim 1, there is insufficient antecedent basis for the limitation "said drive assembly".

Claim 1 has been amended so as to facilitate prosecution of the application. Therefore, the rejection is believed to have been overcome.

The Examiner alleges that regarding claim 6, it is unclear where the recited carriage is located. Claim 6 has been amended so as to further clarify the claim. Therefore, the rejection is believed to have been overcome.

In the last paragraph on page 5 of the Office action, the claims 6, 7, and 9 have been rejected as being incomplete for omitting essential structural cooperative relationships of elements under 35 U.S.C. § 112.

The Examiner alleges that in claim 6, the structural relationship between the second spring element and the carriage is omitted. Applicants respectfully disagree with the Examiner. More specifically the claim recites that the spring holds the carriage in a pretensioned state. Accordingly, the structural relationship between the spring and the carriage is provided. Therefore, claim 6 has not been amended to overcome the rejection.

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The Examiner alleges that there are structural omissions in claim 7 regarding the spring elements. Applicants respectfully disagree with the Examiner. More specifically, as it is recited that the springs are configured to perform a certain function. As seen in Figs. 3-5 is one arrangement of configuring the springs to carry out the function.

The Examiner alleges that in claims 9 and 10 there are omissions of structural relationships. Applicants respectfully disagree with the Examiner. More specifically, the motor is operatively associated with the carriage for adjusting the carriage. It is the adjustment of the carriage that adjusts the phase between the machine drive and the drive assemblies (see the paragraph spanning pages 10-11 of the specification). Accordingly, there are no structural omissions in claims 9 and 10. Therefore, claims 9 and 10 have not been amended to overcome the rejection.

The Examiner stated that claim 8 could be amended to recited that the first spring element is disposed inside the second spring element. Claim 8 has been amended as suggested by the Examiner.

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It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 6 on page 7 of the Office action, claims 1-3 have been rejected as being fully anticipated by Nagamoto et al. (U.S. Patent No. 5,118,091) (hereinafter "Nagamoto") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 9, line 15 to page 10, line 2 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

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a switch-on torque limiter with a pretensioned spring element connected in the drive train, the switch-on torque limiter configured to activate upon a switching of the clutch into the drive train.

The Nagamoto reference discloses a drive for a sheet take-out apparatus. The apparatus has a clutch (11), which ensures that in a switched-on state of the clutch, a torsionally rigid transfer of the torque between the drive (35) and the take-out roller shaft (9). In the switched-on state of the clutch, the torque limiter (42) is not in operation. Nagamoto discloses that when the clutch is switched off the torque limiter (42) is constructed as a friction clutch, which transfers the required torque.

The reference does not show a switch-on torque limiter with a pretensioned spring element connected in the drive train, the switch-on torque limiter configured to activate upon a switching of the clutch into the drive train, as recited in claim 1 of the instant application. The Nagamoto reference discloses that the torque limiter is constructed as friction clutch, which transfers the torque when the clutch is turned off. Nagamoto does not disclose that the torque limiter is configured to activate when the clutch is switched into the

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drive train. This is contrary to the invention of the instant application as claimed, in which a switch-on torque limiter with a pretensioned spring element is connected in the drive train, the switch-on torque limiter is configured to activate upon a switching of the clutch into the drive train.

Since claim 1 is believed to be allowable over Nagamoto, dependent claims 2 and 3 are believed to be allowable over Nagamoto as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

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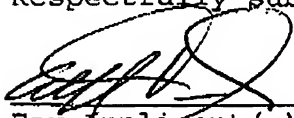
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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

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Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101